

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

TAHARA GAINNEY,

Case No. 18-CV-3114 (NEB/BRT)

Petitioner,

v.

ORDER ACCEPTING
REPORT AND RECOMMENDATION

WARDEN NANETTE BARNES,

Respondent.

The Court has received the January 3, 2019, Report and Recommendation (“R&R”) of United States Magistrate Judge Becky R. Thorson. [ECF No. 3.] The R&R recommends dismissing the action without prejudice for failure to prosecute because the plaintiff Tahara Gainey (“Gainey”) failed to supplement her habeas corpus petition to explain the basis for the Court’s jurisdiction. Gainey was previously given thirty days in which to supplement her habeas corpus petition, failing which the Magistrate Judge would recommend this action be dismissed without prejudice for failure to prosecute under Fed. R. Civ. P. 41(b). [See ECF No. 2.] As of the date of this order, the Court has received no supplemental filing from Gainey explaining the basis for the Court’s jurisdiction over her habeas corpus petition.

No party has objected to the R&R, and the Court therefore reviews it for clear error. See Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam).

Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation [ECF No. 3] is ACCEPTED;
2. The action is DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 13, 2019

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge